

KENTUCKY GAZETTE.

[NUMB. VIII.]

SATURDAY, NOVEMBER 7, 1795.

[VOL. IX.]

No. V.

THE TREATY.

TO THE WELL DISPOSED PEOPLE
OF KENTUCKY.

Fellow-Citizens.

THE eighth article of the treaty seems free from any particular objection. It relates merely to the payment of the commissioners, and of other expenses attending the commissions; and specifies the mode of filling vacancies in those commissions should any happen.

The ninth article of the treaty has been the subject of much objection. It is in the words following:—"It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of his majesty shall continue to hold them according to the nature and tenure of their respective estates, and titles therein; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives; and that neither they nor their heirs, or assigns, shall so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens." It has been objected that this article is altogether unequal, in favour of the British, in as much as British subjects hold much more land in the United States, than the American citizens hold in the territories of Great Britain. Admitting the fact to be so, then we must admit also, that upon a scheme of robbery and plunder the article is unequal. As it would follow that we could confiscate more British property within our territory, than Great Britain could confiscate of American property within her dominion. And had it been otherwise, for any thing in this objection, the article would have been agreeable. But let us view this article in another light, and as intended to prevent robbery and plunder, or in another word confiscation; and we shall then find it equal.—We shall find it securing the lands now held by the citizens of the United States in the territory of Great Britain, as it secures to the subjects of Great Britain the lands which they now hold within the territory of the United States. That is doing equal justice on both sides, and guarding each side equally against injustice. And it is highly to be desired that governments would generally attend to this principle in their transactions with each other. It has been said that this article is impossible, since it gives up the right in the several states to confiscate. But I have always believed that justice was policy. That all sound policy was in fact, bottomed on justice. That what appertains to justice between man and man is also applicable to nations. And I presume there is no man with so imperfect a sense of right and wrong, as to say, that it would be right for an individual who had the property of another in his power, to appropriate it to himself, even if a difference should arise between the two, much less, if they were at peace: why then should such person wish to retain the power? It is however a notorious fact, that several of the states confiscated the property of British subjects during the war, and some of them have attempted it since the peace. The government of Great Britain made no confiscations, during the war, nor since the peace. It was then desirable in Great Britain to come to some agreement on this subject

which should secure the lands of her subjects: and what idea must we entertain of the justice of the United States, had her government refused this agreement? Not a very favourable one in my conception. But disregarding the justice of the case, let us say a word as to the policy. It is urged, that by retaining the right of confiscating, or escheating the lands of British subjects, we should have had an influence over them which would have conducted to perpetual peace. If the states, without the treaty could only confiscate or escheat, (for the one is only a mode of the other) in time of war, there is some weight in the observation. The same observation with the same degree of weight may be made notwithstanding the treaty; because the treaty is broken by a war; and during the war in either case, confiscations may be made. There is then no force in the objection on the score of policy. On the contrary it may be said, that if the States without this article in the treaty, have the right or power, to confiscate, or escheat, in time of peace, and some of them have so little regard to justice, and the *statu quo*, in time of peace, as to escheat or confiscate, the property of British subjects,—is it not the ready way to break the peace, and bring on a war? It seems to me that it is; and that good policy concurs with justice in putting a stop to such conduct: and I have no doubt this may be constitutionally effected by treaty. I know that the contrary has been said by way of objection to this article, that it was unconstitutional, since it abridged the state legislatures, of the power of confiscating, or escheating, the lands of British subjects. There are several considerations which prevent themselves in objection of this objection. I shall presume to say that I have shown that this article is founded on equal, and mutual justice—and that it is consistent with sound policy—and I from their premises I may fairly infer, that it was necessary & proper, and therefore desirable, at least to the general government, who have the care of all national concerns, and particularly the right of peace and war. We may fairly suppose it was at least indifferent, if not desirable with a large majority of the individual states; since not more than one, or two, have attempted to confiscate or escheat the lands of British subjects since the peace: and since two thirds of the senate; and seven states were unanimous in favour of it—two states only unanimous against it—the others divided. I say then that we may fairly assume, that a large majority of the states were indifferent if not desirous of obtaining this article. How then was it to be obtained? By national treaty only: because by the federal constitution, "no state shall enter into any treaty, alliance or confederation;" nor "without the consent of Congress, enter into any engagement or compact with another state or with a foreign power." But this article in the treaty contains a mutual stipulation, a compact with a foreign power, and could only be effected by treaty, which as I said no state can make: nor even the simplest compact with out the consent of Congress. We may reasonably believe that the compacts here alluded to are such in their nature as concern an individual state only, and not such as would properly extend to all the states. That it is not such a compact as is contained in the article in question. Because to make that completely operative, it should extend to all the states; as we cannot believe that the government

of Great Britain would agree to any thing more than a partial abrogation of the power of escheating and confiscation on her part, unless it was completely abolished on the part of the United States also. These compacts with particular states could at most extend only to the citizens of those states. And one refractory state might completely defeat the salutary purpose of mutual national justice and peace. Hence I infer that this article embraces such a subject, as no state can properly treat about or enter into a compact respecting. It will follow that it is properly the subject of general treaty, which can only be made by the President and Senate. This idea is further confirmed, when we consider that the president and senate have the sole right of making treaties, without any description of particular kinds of treaties, but generally all treaties, and on all subjects of which treaties are competent, without limitation or restriction: and when we further consider that the subject of this particular article is expressly embraced in the treaty '83, where it is declared in article the sixth "that there shall be no future confiscations made."

Upon this clause it is observable too, that the power of confiscating, in the several state legislatures is as completely abridged, as it is in the article of the proposed treaty, at present under consideration. If then this was properly the subject of a former treaty, so it is properly the subject of a present treaty. And if the power of the state legislatures, to confiscate, could be properly abridged, or superseded in that treaty, so may that power also be properly superseded in this treaty. The result of this argument is, that the article in question is strictly constitutional, none will deny its justice, few will dispute its policy. It is enough for me that it is constitutional, just, and proper.

There is however, one argument on this subject in my possession, which I have not yet heard answered, and which I think, has great merit: and since my object in writing these papers is to throw all the light on the treaty, that is in my power, consistent with this mode of treating the subject, I will conclude this paper by giving this argument in the words of the author. "It is said that the ninth article abolishes alienism in the tenure of lands, and that all British subjects may hereafter purchase and hold lands within the United States—this is also incorrect. The treaty of peace with England declared, that there should be no further confiscations; several of the States did not confiscate the lands of real British subjects; such characters have held, and continue to hold lands in several of the States; and so on the other side some few American citizens held and continue to hold lands in England. The ninth article of the treaty before us declares that British subjects who now (that is when the treaty was signed) hold lands within the United States, and American citizens who now hold lands in the dominions of his majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein, and may grant, sell, or devise the same as natives, and shall not so far as regards the said lands (that is those only held at the signing of the treaty) be regarded as aliens. In our treaty with France by the ninth and eleventh articles, we have agreed to an absolute abolition of alienism in respect to the holding of lands;

so that a Frenchman may purchase, take, hold and convey lands within the United States, as an American citizen. The treaty with England does not go this length, but only establishes an equitable regulation concerning those who now hold lands in the two countries. It is expressly confined to the lands held by British subjects at the signature of the treaty."

H. MARSHALL.

October, 1795.

No. II.

TO HUMPHREY MARSHALL, one of the Senators from the State of Kentucky, in the Congress of the United States.

[Concluded from our last.]

BUT you say 'there are hundreds of British subjects, possessed of land in the United States, of whom no oath of allegiance is required?' This may be true and still not justify the policy of the treaty: because although the execution of the laws in those cases has hitherto been neglected, they at any time hereafter may be enforced or amended: but in the cases of the settlers, no laws can ever be passed to compel them to take such oath of allegiance. If this principle was consonant to public policy, why was it not made reciprocal to the two nations; and why was it not extended to British subjects on every part of America, so far from this being the case, altho' the 9th article the right to the soil in either country, is secured to the inhabitants of both, the instant an American settles on his land in England, or an Englishman on his in any other part of America, he would immediately so far become a citizen of the country in which he settled, as to be punished for a violation of the allegiance he would owe the country in which he was so settled. Why then was this discrimination made in favour of these settlers; were they less dangerous to the government of America living together, and in the most remote and exposed part of the American territory, than they would have been, if the same number of British subjects were settled through the interior and safe part of its territory: certainly they are in a situation to give the greatest possible cause of uneasiness to the American government which could be felt from such a number of men. If then the reason was stronger against allowing this privilege in that quarter, than it would have been in any other part of America, how did it happen that this was insisted on as a condition on the part of Britain, and agreed to on the part of America? I can account for it in no manner but one, the British supposed it was necessary to put their settlers in a state of security against the American government, otherwise they would not be able to endure them to continue to serve Britain in the way they had been accustomed to do, by making the Indians their friends and our enemies. And America was determined to refuse nothing that was demanded by Britain. But you say that as these settlers are allowed to become American citizens, there is every reason to believe that they will make their election to be so, from their strong motives of interest, which will induce them to become American citizens. If this is true, why was this clause inserted: if instead of, its being a thing which the settlers were anxious to obtain, it is of such a nature that it will be strongly in their interest to give it up

[See last page.]

Four Dollars Reward.
STRAYED or stolen from the pasture of Thomas Conn, jun. on Cooper's run, Bourbon county, a dark bay horse, about fifteen hands high, six or seven years old, a small white ring round both hind feet at the root of the hoof, a spot on one side about the size of a dollar, rather darker than the rest of his body, hanging mane & switch tail, shod all round, his shoes iteeled before, branded on the near shoulder H. Whoever delivers the said horse to Thomas Conn, jun. Bourbon county, or William Hamilton, Fayette county, shall receive the above reward.
 *3W HUGH WEIR.
 Oct. 31, 1795.

Five Dollars Reward.
STRAYED or stolen on the night of the 29th of September last, from the plantation of John Layton, near Bourbon court house, a bright bay horse about seven or eight years old, about fourteen & a half hands high, branded on the near shoulder with a large I and on the near buttock with a small TA, and marked with a great many saddle spots and creft fallen in his neck, had a large bell on, branded HP in a piece, put on with a double collar, shod all round. Whoever brings said horse to Robert Caldwell's horse mill, one mile from Bourbon on Lexington road, shall have the above reward given by,
 *2W George Miller.

Public Notice.
THAT on the tenth day of December next, agreeable to an order of the county court of Clarke and an act of Assembly in that case made, I shall attend at the head of the Four Mile run waters of Kentucky, on the north side thereof to take such depositions as I may think proper for establishing the beginning and entry, &c. of a settlement of 400 acres of land entered by me January 10, 1780—and then and there to do such other thing or things as is by law permitted.
 Joshua Barton.
 November 4, 1795. 31

STOLEN.
ON Sunday night last, the twenty-fifth instant, out of the pasture of the subscriber, a black HORSE, sixteen hands high, blaze face, wall eyes, the left has been sore, and there still remains a seum on it; hind feet white, no brand perceivable. A Reward of FIFTEEN DOLLARS will be paid on the delivery of the horse and thief, or SIX DOLLARS for the horse alone.
 William McClelland.
 Bourbon county, October 26. 43t

Twenty Dollars reward.
DISAPPEARED from my flock of horses, three miles north of Woodford court house, about the first of April last, three valuable young MARKS, neither docked nor branded; two of which are two years old, the one a foal the other a bay; by Thomas Stevenson, on North Elkhorn, and shortly after he left me, (previously to her being taken up) was told and branded something like this T^ho' not plain; it is probable the others may be used in the same manner—the foal is about fourteen hands and a half high, a star in her forehead, no flesh marks that I recollect, she is well formed—the other is one year old, but small, a fine bay, her legs incline to the color of her body, no particular marks. (Should they be sold to any person I hope they will come forward and deliver the property, as I mean them not to be lost.) Ten Dollars will be given for any one of them.
 Wm. Bowland.
 October 13. 4W

By virtue of a Power of Attorney
Will be Sold to the Highest Bidder,

Before the door of Mr. Weisger's Tavern in the Town of Frankfort, on Thursday, the 19th day of November next,

That VALUABLE TRACT OF LAND,

LYING opposite said town, late the property of Col. Edmund Lyne dec. containing four hundred acres. On the above day and place, will be sold, one thousand acres, lying on Harrod's creek, Jefferson county, patented in the name of William Lyne, devisee of George Lyne dec'd; this land is said to be very valuable. And on the 26th day of the same month will be sold, in like manner, on the premises, that valuable tract whereon col. Edmund Lyne lived, in Bourbon county, containing 400 acres. The sales will be on the above mentioned days, if fair, if not, the next fair day. A credit of twelve months will be given for one half the purchase money, on giving bond and approved security, to carry interest from the date if not punctually paid; the other half to be paid on making the deeds of conveyance.

Wm. Starling.
 September 14, 1795.

THOMAS HART & SON,
 Have Just Received, and are now opening,
 An EXTENSIVE and GENERAL Assortment of

MERCHANDIZE,
 Which they will sell LOW by Wholesale or Retail.
 They have also a large assortment of
 Bouting Cloths & Copper.
 Which they will sell at a more reduced price than they have ever sold at in this country.

CASH,
 Will be given for
GOOD SOUND
PACK-HORSES,
 Fit for immediate service,

FROM four to eight years old, at Madison court house, from Tuesday the third of November, (it being court day,) until Friday following; and at Lexington, from Monday the ninth of November, till the Friday following.
 N. Shaw, A2M.

* * * Also wanted, a number of PACK-HORSE-MEN, who will engage for six months, except sooner discharged.
 October 29.

Wanted.
TWENTY TENANTS.
WHO will take leases for four years, of cleared and un-cleared land, and will engage to clear in the Kentucky fashion during their lease at least fifteen acres for each family. The tract of land is large, of the first quality, and lies within six miles of Lexington.—Apply to the Printer.

Wanted,
An APPRENTICE
 TO THE
TANNING BUSINESS.
A LAD of about sixteen or seventeen years of age, who can come well recommended, and of a good family, will be received by the subscriber fourteen miles from Lexington, on the Hickman road.
 tf Jonas Davinport.

The subscriber has FOR SALE,
 A QUANTITY OF
EXCELLENT VINEGAR:
 Which he will sell by the barrel or gallon.
 Jacob Kiefer, Distiller.
 Lexington, October 24. tf

FOR SALE,
 The following tract of
LAND, (Viz.)

TWO thousand acres on Salt river, twelve miles above Buller's lick, Jefferson county.

Five hundred acres on Cedar creek, Nelson.
 Two hundred do. do.
 Two hundred do. do.
 Two hundred do. near Bullitt's licks.

Two hundred and fifty do. on Hay's fork of Silver creek, Madison.

Three hundred and forty-eight and two thirds do. near the mouth of Green river.

Five hundred do. on Cabbin creek, six miles above Limestone, near the Ohio.

Three hundred and fifty do. five miles East of Lexington, on North Elkhorn, Fayette; with an improvement of forty acres cleared land, a dwelling house twenty-four by eighteen, of hewed logs, a kitchen eighteen by sixteen, of do. and some cabins, cribs &c. about four acres planted with peach trees, a hundred and odd apple trees, and some meadow. The terms of said lands will be made known by applying to the subscriber living on the last mentioned tract.

William Porter jun.
 P. S. I have also for sale, four or five head of HORSES, amongst which is a full bred Stud Horse, of an elegant form, upwards of fifteen hands high.
 3W/6 W. P.

Run away
FROM the subscriber, living near Frankfort, on Saturday the seventeenth instant, a mulatto man named JACK, about five feet ten inches high, about twenty-two years of age, very straight made; had on when he went away a dark coloured furton coat, lightish coloured close bodied coat of country made cloth, leather breeches, an old pair of cotton stockings and deer skin mockasons. As the above fellow was formerly the property of Col. John Campbell, it is likely he is some where in the neighbourhood of Lexington. I will give a reward of ten dollars to any person who will deliver the said negro to me, or secure him in any jail, so that I get him again.
 Robt. Montgomery.
 Oct. 29 3W

Wanted to Purchase,
 By the subscriber,
A QUANTITY of good clean Barley, old Wheat and Rye, also a quantity of Hops, for which a generous price will be paid in Cash when delivered at the Brewery in this place. Known by the name of major Short's Brewery.
 JOHN HOLMES, jun.
 Lexington, Aug. 31, 1795.

Wanted to Hire,
A Good COOK.
 ALSO
A smart NEGRO BOY,
 Between fifteen and twenty years old, for whom generous wages will be given. Apply to the Printer.

TAKEN up by the subscriber on the head of North Elkhorn, Fayette county, a bay mare, three years old, twelve hands and a half high, branded on the near shoulder and buttock D T a blaze face some saddle spots, appraised to 61
 Savil Hardi.
 August 26.

TAKEN up by the subscriber, in Fayette county, on the Hickman road, about three miles from Lexington, a gray Mare, fourteen hands high, branded S on the jaw and near shoulder and buttock, low in flesh, has a young colt; appraised to 121.
 Owen Owens.
 July 24.

NEW STORE.
 W. W E S T,
 At his NEW STORE, at the corner between Maj. Morrison's Store, & Mr. Walter Taylor's Tavern, has brought with him into this State, a Handsome Assortment of
MERCHANDIZE,
 Which he is determined to sell on the most reduced prices. And as he is anxious to sell out, in order to return to the Settlement next fall,

GREAT BARGAINS
 May be got, either by Wholesale or Retail. His Goods being purchased with CASH, will enable him to sell as Cheap as any Goods imported this Season to Kentucky.
 Amongst his Assortment, is
 The Following Articles:

MUSLINS of all kinds,
 Mullinets,
 Marcellis Quilting,
 Callicoes and Chinizes,
 Shawls and Handkerchiefs of all kinds,
 Irish Linens from 2/6 to 9/6 per yard,
 India Nankeens,
 Striped do.
 Casimer Jacket shapes,
 Mullinets do. tambered with gold and silver,
 Ditto with silk,
 Toilets for jacketting,
 Bandana Handkerchiefs,
 Barcelona do.
 Morecus, Jeans, Durants, Wild-bores and Bombazetts,
 Manchester goods assorted,
 Black Satin and Mode,
 Sarinets and Persian,
 Bed tickings and apron checks,
 Cotton and worsted stockings,
 Silk stockings, gloves and mitts,
 Leather gloves and mitts,
 Ribbons, lace, edgings and fringe,
 Velvet ribbon, tape and bindings,
 Writing paper and school books,
 Play books, jells and inkpowder,
 Needles, pins, silk and twist,
 A great variety of hard ware, cutlery, pewter and tin ware,
 Hollow and window glass,
 Hyfon, Green and Echea teas,
 Cinnamon, pepper and allspice,
 Madder, allum and indigo,
 Raisins and almonds,
 Lady's slippers, shoes and sandals,
 A good assortment of blanketing and woollens of most kinds,
 With many articles which cannot be here enumerated.
 N. B No Credit can be given.

ALL persons are hereby forewarned from taking an assignment on a bond given by me to Isaac Ware, for fifty five pounds, dated the 15 of July last, and payable the 15 of June next, as I am determined not to pay it until he settles with me for certain monies I have been obliged to pay on his account since the date of said bond.
 Benjamin S. Cox.

TAKEN by the subscriber, about ten miles from Carpenter's station, in the wilderness, and delivered to me, one of the justice of the peace for Mercer county a black mare, about ten years old, four feet six or seven inches high, with a blaze face, the off hind foot white and some saddle spots, branded on thb off shoulder thus S; potted and appraised to 91.
 Michael Souther.

September 17
NOTICE is hereby given to all who may be interested, that on the fourth Monday in November next, in pursuance of an order of the Court of Mason County, I will attend the Commissioners appointed by said court, at the improvement of Clough Overton, assignee of William Bartlett, near the North fork of Licking, about one mile above the bridge over said fork, then and there to take and perpetuate the testimony of sundry witnesses for the purpose of establishing said improvement.
 Joseph Berry.

LONDON, July 29.

Last night some gentlemen passengers landed at Harwich, from on board a neutral ship bound to this place from Hamburgh, by whom we learn, that there is every reason to conclude that the Turks have declared war against the emperors of Russia.

BOSTON, Oct. 1.

Capt. Greene, who arrived here in a schooner, 57 days from the island of Cranie, near Quiberon bay, confirms the late account of the emigrants being entirely destroyed, to the amount of 7000—he says that as soon as it was known they were landed, the republican army came down, to the number of one hundred and fifty thousand; that they drove the emigrants on to a peninsula, where they established a fort, from which they were decoyed, and killed or taken, except about seven hundred, which escaped in boats to the fleet, the admiral of which sent them back, not having provisions for their support. An immense quantity of warlike and other stores which they brought with them were all taken, among which were eighty thousand stand of arms, and one hundred and fifty thousand pair of shoes, which had not been opened.

Lexington, November 7.

On Monday the third inst. being the day on which the General Assembly were to meet; a quorum of the House of Representatives appeared and took their seats—proceeded by ballot to elect a Speaker. On counting, an equal number of votes appeared in favour of Mr. Edmund Bullock and Mr. Thomas Davis—the election was then determined by lot, in favour of Mr. Edmund Bullock.

We are informed that the House of Representatives now sitting, have declared all members who are judges of the courts of Quarter Sessions unqualified, and have issued their writs for new elections for members to fill their seats; by which means fifteen members are sent home, and 'tis thought the Assembly will adjourn this day until the new elected members can attend and take their seats.

Since writing the above we are authorized to say, that an election will be held in Lexington on Tuesday next, for two members in the room of Joseph Crockett and John M'Dowell, gent. and that the Assembly adjourned yesterday for three days.

On Tuesday last, John Smith was executed in this town for horse stealing agreeably to the sentence of the late court of Oyer and Terminer—about twelve months ago he was under sentence of death and received the governors pardon for a similar crime.

GEORGE ADAMS,

BOOT & SHOE-MAKER,
BEGS leave to inform his friends and the public in general, that he carries on the above business in all its various branches in the house next door below where he formerly lived, on Main street, in Lexington; where those who please to favor him with their custom, may depend on having their work done in the neatest and best manner and on the shortest notice. Ladies may have silk and stuff shoes and slippers made as neat and as well as those imported.

tf November 4.

Twenty-five Cents

FOR apprehending and delivering to me in Lexington, LANDIE RICHARDSON, an Apprentice to the hating business. He is about seventeen years old, well grown; much addicted to lying. All persons are cautioned against harboring him, as they shall answer it at their peril.

Arch. Brown.

October 23. 3p

NOTICE.

THAT on the seventeenth inst. the officers that served on the late volunteer expedition, under the command of maj. gen. C. Scott, are requested to meet at D. Weir's tavern in Frankfort, on business of importance. 31w
Nov. 6, 1795.

Ten Dollars Reward,

STRAYED or stolen, from the subscriber living near Colenel Holders in Clarke county on the tenth of June, a sorrel horse, about fourteen hands three inches high five years old, a blaze face, three white feet, natural trotter, docked, and branded on the near buttock and off shoulder JT. Whoever delivers said horse to the subscriber shall have the above reward.

3w* Isaac Redman.

Ten Pounds Reward,

STOLEN from the subscriber, the second night of this instant, a large and likely iron gray horse six years old, branded IR on the near buttock; flat ribbed, whoever shall take up said horse and deliver him to the subscriber living in Mero District, Davidson county, near Nashville, shall receive ten dollars reward, and all necessary charges paid, or the above reward for horse and thief

William Stewart.

October 9. 3w

PUBLIC NOTICE.

I SHALL attend, agreeable to an order of the court of Hardin county on the premises, on the 6th day of December next, to take the depositions of Thomas Harbison and Conrad Cultard, in order to perpetuate their testimony respecting the special call of an entry in my name for 800 acres of land, lying on Green river on the north side, about three miles below the mouth of the first large creek that runs in above the Barrens, to begin thirty poles below the mouth of a small branch about 300 yards a fourth call course from a Beech tree marked S. S. from thence down the river twice as long as wide, thence back for quantity, including two springs & said marked tree. 31st May 1780. JA. SPEED.

Mercer, Nov. 2. 3t

Notice,

I hereby give to all whom it may concern, that on Wednesday the 25 of November next I shall attend at mill creek, a branch of the north fork of Licking, near Jesse Ford's improvement; there and then to perpetuate certain testimony, respecting the settlement and preemption obtained in the name of John Vance, agreeable to an act of assembly in that case made and provided.

John Vance.

Washington, October 30. 1Mtp

Public Notice.

THAT I have a tract of land lying in the county of Green, on Pitman's creek containing one thousand acres—and that on Wednesday the 25th, day of November next, I shall attend at the place where the improvement on said tract of land was made, with Daniel Brown and Thomas Denton, for the purpose of taking their depositions, to be hereafter read as evidence, should any dispute arise. All persons interested therein, or having a claim that interferes with my claims, are hereby required to attend at the day and place aforesaid.

Elias Barbee.

October 25.

NOTICE

I hereby give that a company I will meet at the three islands on Monday the sixteenth of November in order to start early on the next morning to the Sciota.

Ten Dollars Reward,

FOR apprehending and securing in any jail in the United States, Richard White, a native of York county, Pennsylvania, served as apprentice to Mr. M'cord, joiner in Baltimore, who took him to Lexington Kentucky, from thence the said villain stole my horse on the tenth of August last, and sold him in Washington county, Virginia, to Mr. Lytle of Kentucky. White is about twenty three years old, short brown curly hair, his looks entitles him to a bounty—the Sheriff's entry dunes I suppose him in Maryland or Pennsylvania, but probably will return for more horses to Kentucky. The above reward and all reasonable charges will be paid by Mr. William Leavy Mr. John Key Lexington, or

Dennis M'Carthy.

Abingdon, Virginia, October 8.
N. B. Mr. Lytle is required to deliver the above horse to Mr. William Leavy or Mr. John Key as above. 3w

NOTICE

IS hereby given to all whom it may concern: that an arbitration bond has been entered into between Humphrey marshall and William Kelly, relative to an interference between two entries, the one in the name of Arthur Fox, and the other in the name of William Lamb and an entry in the name of John Crittenden, upon which a decision was in part made, with which we are advised, that we ought not, and cannot be compelled to comply. All persons are therefore forewarned from purchasing from the said Humphrey Marshall, or any person interested in the said entry in the name of John Crittenden. For the more certain information of the public the following is a copy of the entry (to wit) John Crittenden makes the following amendment to his entry of 4767 acres as assignee of Thomas Marshall, on a part of a treaty warrant, No. 11, 390 beginning in the line of William Bennett's preemption of one thousand acres known by the name of Crittenden's camp, running S. ten W. to G. Wale's N. W. corner of a survey of one thousand acres, thence with said Wale's line and Thomas Wall's S. 80 E. six hundred and 13 poles, thence with Thomas Wall's S. ten W. 300 poles to his corner, thence N. 80 W. two hundred and thirteen poles to George Wall's line, thence along his line to Ben. Ashby's line of a survey of five hundred acres, thence with said line S. W. until it strikes said Crittenden's line of a survey of four hundred acres, thence S. E. to the corner thereof, thence S. W. with said line until it strikes a preemption of said Crittenden's of one thousand acres, thence S. E. with said line to the corner, thence N. E. to William Elliott's and Jacob Myers' corners of a preemption of one thousand acres, thence Eastwardly with said Myers' line and other prior lines down Shannon's branch and from the beginning with said Bennett's line and the line of a fifteen hundred acre entry made by John Bradford in 1780, for some person whose name I know not, passing the corner on same direction for quantity, excluding two hundred and fifty acres of Miriam Calmes. February 8th 1783.

A Copy. Teste.

ROBERT PARKER, S.F.C.
Catherine Kelly, Widow
of Samuel Kelly dec.

William Kelly,
James Scott &
Elizabeth Scott his wife,
Margaret Kelly,
Samuel Kelly,
Eleanor Kelly,
John Kelly,
Rebecca Kelly,
Sarah Kelly, &
Jane Kelly.

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A LIST of LETTERS remaining in the Post Office, Frankfort, & if not taken out in three months will be sent to the general Post Office as dead letters:

ROADNAX, HENRY, near

Frankfort.

The Clerk of the Court of Appeals,

Frankfort.

Graham, George, Esq. Preston,

Kentucky.

Hancock, Samuel, at or near the

Salt works.

Marshall, Humphrey, Esq. Kent.

Robert, John, Frankfort.

Speed, Thomas, Mann's lick.

Schoofield, Benjamin, Cadadery,

Frankfort, 2.

Sturman, William, Franklin.

Trigg, William, Frankfort.

Peter G. Voorhies, P.M.

October 13.

A PROCLAMATION.

STATE OF KENTUCKY (to:

WHEREAS a Treaty of peace, between the United States of America and the tribes of Indians called the Wyandots, Delawares, Shawanees, Ottawas, Chippawas, Patawatomias, Miamis, Delawares, Weas, Kickapoos, Piankashaws and Kaskaskias, was concluded upon at Greenville, by his excellency Maj. General Wayne, and the aforesaid tribes, on the third day of August 1795: And whereas a strict observance of the said Treaty, by the inhabitants of Kentucky may be a means of securing to them, that long wished for, and permanent peace with the said Indian tribes, to essential to the general welfare of the United States, as well as the particular interest of this State: I have thought proper to issue this my Proclamation, hereby recommending a strict observance of the same, and cautioning the citizens of this Commonwealth against any infraction or violation of the said treaty.

Given under my hand as Governor of the said Commonwealth, at Frankfort the twenty-second day of September, one thousand seven hundred and ninety-five, & of the Commonwealth the fourth.

ISAAC SHELBY.

By the Governor. JAMES BROWN, Sec'y.

Take Notice,

THAT Commissioners will attend on Thursday the twelfth of November next, at the plantation of Richard Rue, Shelby county, on the west fork of Drenon's lick creek, with sundry witnesses: then and there to perpetuate their testimony respecting said Rue's improvement, for which he obtained his certificate of a settlement and preemption from the commissioners; and do such other acts as shall be judged necessary.

Richard Rue.

October 22

10 whom it may concern.

NOTICE is hereby given, that that on Saturday the 25th of December 1795, I shall meet at an old Indian camp called for in an entry of 3000 acres made in the name of Nathaniel Hart, in the year 1780, on the waters of Licking near Flemming's creek, in Mason county, in order to take the deposition of a witness to perpetuate testimony to establish the calls of said entry.

Robert Johnson.

October 26.

NOTICE is hereby given to all who may be interested that on the fourth Monday in November next, in pursuance of an order of the court of Clark county, I will attend the commissioners, appointed by said court, at the improvement of William Bramblitt, on Stoner's fork of Licking then and there, to take and perpetuate the testimony of sundry witnesses, for the purpose of establishing said improvement.

William Bramblitt.

after they have obtained it; it could not have been inferred to serve them or at their instance; and if it was not inferred for one of these reasons, it must have been inferred on by the British government to answer some unfair and dark purpose of their own. But you contend that it was good policy to allow these settlers to continue there on the terms stipulated in the treaty, because "we want people;" what sir, were the old Tories and themen who had been decaused to be shed, so much blood in the western country the only valuable settlers that Jay and the senate could procure as settlers in America? And was it from a predilection in their favour that you consented to give them such great privileges, at the same time that Congress were throwing so many obstacles in the way of all other emigrants. They must have been choice spirits indeed in your eyes as you inform us that there are not more than one hundred and fifty families of them, to induce you for their sakes to agree to such departures from the constitution and every principle of good policy. If the voice of America could be taken on the subject, I have no doubt that instead of purchasing them at that price, we should have given up to the British king more than double that number of his secret friends now with us. You say that this treaty does not secure to these settlers any lands but which they have a legal title to by grant, because no other lands can be considered as their lands. If this is the true construction of this part of the article, I would wish to be informed why it was inferred at all. The ninth article which declares that "British subjects who now hold lands in the territory of the United States shall continue to hold them according to the nature and tenure of their respective estates and titles therein," would have effectually secured the rights of all those who had such titles as you say are the only good ones under the clause now under consideration. As therefore it would have been unnecessary to insert this clause in the second article, to secure what was so fully provided for by the ninth. Let us examine the second article itself, and see if it did not mean to extend to titles and claims not included in the ninth. This article declares that all settlers within the precincts or jurisdiction of the posts, shall continue to enjoy all their property of every kind, and shall be protected therein, and it shall be free to them to sell their lands, houses or effects, or to retain the property thereof at their discretion. The difference between the wording of this clause, and the expressions used in the 9th article is remarkable, by the last, they are only to hold lands according to the nature and tenure of their respective estates and titles therein; but by the second article, they are to enjoy all their property, of every kind, to be protected therein, or to be at full liberty to sell or retain the property thereof, at their discretion. Every term which is used in a written contract, ought to be explained according to that meaning in which it was evidently used by the parties: when the treaty then speaks of settlers on lands in such a part of the country, placed there by a party having no right; when it is stipulating with the party having the right, & from whom the settlers have derived no title; that these settlers should sell or retain the property of their lands at their discretion, does the treaty mean to include only legal titles, or does it mean to include such titles as were the only ones which could have been obtained in their situation? If it meant the first it was then a dead letter, because it secured no body, as none could have a legal right except it was derived from the party in whom it was once vested: but if it meant the last, it then included all who were in the actual occupation of the land,

and who must be supposed to be equally the objects of attention with the British government. Suppose that some of these settlers held their lands under the government of France, prior to the conquest of that country by Great Britain; some under Great Britain between the conquest and the treaty of '83; and some under Great Britain since the treaty of '83. I ask what proportion would the two first classes probably bear to the last, when the dates are taken into consideration. I scruple not to answer, that there would be twenty times as many of the last class as of both the former ones; and the last class would be as much settlers as the former ones. Can it be supposed then that Great Britain stipulated for only one out of twenty of those equally entitled to her protection and favour. That it was the recent settler who was the great object of the treaty, is further evident from the privilege being confined to himself only, and not extended to his heirs or assigns, which it would necessarily have been if the treaty had contemplated only titles of the kind and date, that you supposed it did. By the term *settlers* and the *land of settlers* we may fairly conclude that the treaty meant to include, all the persons settled on the land in the vicinity of the posts, and all the land which they occupied. This would not only be the common idea which these terms would convey, but it would be the legal one, from the situation of the country, and the persons concerning whom it is used. A similar one is to be found in our land law "all locations made by officers and soldiers upon the lands of actual settlers shall be void;" but none of those settlers had grants or legal titles to their lands at that time, and it depended on several contingences whether they would ever get such legal titles; therefore if your construction of the treaty is right, this part of the law meant nothing; but it has been always considered differently and as meaning "the land on which the settlers had made their actual settlements," although they had not acquired a legal title to them; and the clause in this treaty must always be construed in the same manner. That this must be the proper construction of this part of the clause, is further evident from this that it was unnecessary if the parties intended what you suppose they did, as that intention was fully expressed in the ninth article. But you ask in what courts, and by what laws are these claims to be decided on: in the federal courts, and by the treaty which you say is the supreme law of the land: and as the treaty can according to your doctrine repeal a law, it may certainly supply the place of a law; and therefore must convey as good a title to these settlers as if there had been an act of Congress passed for this purpose: but I consider this as one of the instances in which the treaty has violated the constitution, and that it is a nullity for that reason. But you say "that there is no danger to be apprehended from the privileges allowed to these settlers by the second article, because in case of a rupture with Great Britain, they may be sent off under the 26th article." If this was true, it would be a very poor consolation that after they had acted as spies for the British, and after they had as their emissaries, incited the Indians to make war on us, that they might be sent home *unpunished*. But the fact is not as you state it to be, for the settlers who are mentioned in the second article, are clearly not included in the description of persons who may be sent off under the 26th article. The second article has expressly provided that these settlers "shall be at full liberty to remain there, and shall not be compelled to become citizens, &c." This is a special privilege given to them by name, and cannot be taken away from them, by

any subsequent general expressions made use of in the treaty; because such a construction would make the subsequent part contradict the first, and would suffer general expressions, which may be satisfied without depriving them of that privilege, to take from them the privilege which has been before granted them in the most explicit manner. The 2d art. is confined to the subject of the post, the settlers & the traders living within the precincts of the posts: & concludes every stipulation contained in the treaty on these subjects. The eleventh article takes up the subject of navigation and commerce generally, and declares that they shall be regulated "in the manner under the limitations and on the conditions specified in the following articles." The 26th is one of the following articles, and declares that "if at any time a rupture should take place, between the 2 nations, the merchants & others of each of the two nations, residing in the dominion of the other, shall have the privilege of remaining and continuing their trade, &c. This article is therefore clearly confined to those concerned in trade, and could not by the most forced construction be extended to the settlers mentioned in the second article even if this construction was not forbid, by the express words of the second article. I suppose by others is meant mariners, agents, servants and all others employed in carrying on trade, who could not properly be denominated merchants: but it cannot be extended to any not concerned in trade, because all that are included in the description, are to have the privilege of remaining and continuing their trade. If these observations are right they must prove, that if you are in earnest in your remarks on the treaty, you understand little of its real meaning; but the weakness of many of your remarks, may rather induce us to suppose that you do not think those parts of it right which you endeavour to prove to be so; but make the attempt because you flatter yourself that the objections will be thought to yield to the arguments you offer in opposition to them.

A FREEMAN.

FIFTY TENANTS WANTED,

ON a tract of LAND in Jefferson county, lately leased of the Transylvania Seminary. It is most eligibly situated, on the Ohio and Harrod's creek, at the distance of about eight miles above the Falls. The land is of the first quality, well watered and covered with the most luxuriant cane. The Beargrass settlements are within between two and three miles of it, and other settlements are forming on every side. There are good mills in the neighborhood, and it is intended to erect one very convenient to the settlers.

The land will be divided into tracts suiting the convenience of the tenants, and will be let for seven years, on either of the two following terms:

1. The Tenants shall have the land they clear, rent free for five years, and pay two dollars or four bushels of wheat per acre, for each of the two remaining years.

2. Rent free three years, and half a dollar per acre for the fourth year,—three quarters for the fifth,—one dollar for the sixth, and one dollar and a quarter for the seventh.

Farther particulars may be had by enquiring at the store of THOMAS HART & SON, or of SAMUEL PRICE & Co. in Lexington, or of the Agent who will soon be on the land.

November 2.

PULVERISED BARKS, TO BE SOLD

By the subscriber in Lexington.

Andrew McCalla.

NOTICE.

THE Co-partnership of SEITZ & LAUMAN, is this day dissolved by mutual consent. All those who have any demands against said firm are requested to bring in their accounts for settlement without delay; and those who are indebted to them, by bond, note or book account, are desired to make immediate payment to the subscribers, otherwise they will be under the disagreeable necessity to compel payment in a legal way.

John A. Seitz.
Fred. Lauman.

Lexington, October 4.

N. B. They have on hand a large and general assortment of MERCHANDIZE, which they will sell low for Cash or a short credit, by whole sale.

NOTICE.

THAT in the month of October in the year 1780, I located a preemption warrant, No. 337, for 400 acres of land in the county of Kentucky, now Clarke, on the waters of Licking; about three miles eastward of Nicholas Anderson's preemption, which was surveyed the 13th day of May, 1784, and patented the 10th day of July, 1786. On my application to the county court of Clarke, they have appointed commissioners to attend and take depositions of witnesses, &c. agreeable to an act of assembly, entitled 'an act to ascertain the boundaries of lands and for other purposes.' All persons are therefore notified, that I shall attend the commissioners aforesaid, on the first Monday in December next, at Harper's station in the said county of Clarke, then and there to take such depositions as may be deemed proper to perpetuate testimony respecting the entry aforesaid as the law requires.

3w

David Crews.

Madison county, Oct. 31, 1795.

TO BE RENTED for six Months

And possession given immediately—

THE HOUSE and LOT on Main Street, in Lexington, lately occupied by DAVID SUTTON, and next door to where the subscriber now lives. For terms apply to

William Hutton.

November 4.

PURSUANT to an act of assembly entitled "An act to ascertain the boundaries of lands and for other purposes," I have procured a commission from the court of the county of Clarke to perpetuate the testimony of sundry witnesses to establish certain calls in an entry of a settlement of four hundred acres made November the eleventh 1779, and a preemption of one thousand acres adjoining, made April the twenty-ninth 1780, on the dividing ridge between the heads of the north fork of Lulbulgrud and Hingston's fork of Licking, which dividing ridge is near the place where Jilson Payne now resides, and also the beginning and boundaries of the surveys of the said entries. The commissioners for taking the depositions are to meet on the place on the twenty-fifth day of November in the present year: of which proceedings this is a notice to all who may have interfering claims or lands adjacent, that they may attend to the testimony of sundry witnesses that may be called upon for the purposes aforesaid.

* Edward Payne sen.

TAKEN up by the subscriber, in Madison county, on the waters of Silver creek, near Col. Snoddy's, a black horse seven years old, thirteen hands and a half high, branded on the near shoulder IS; appraised to \$6.

Caleb Williams.

May 25.

LEXINGTON.

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